



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,519	01/28/2004	Antti Ronkko	944-003.203	2228

4955 7590 11/06/2007  
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP  
BRADFORD GREEN, BUILDING 5  
755 MAIN STREET, P O BOX 224  
MONROE, CT 06468

EXAMINER
----------

LAO, LUN YI

ART UNIT	PAPER NUMBER
----------	--------------

2629

MAIL DATE	DELIVERY MODE
-----------	---------------

11/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/766,519

Applicant(s)

RONKKO ET AL.

Examiner

LUN-YI LAO

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4, 6, 8, 10-11, 13, 15-18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lilenfeld(6,819,557) in view of Eichstaedt.

As to claims 1-2, 4, 6, 8, 10-11, 13, 15-18 and 22, Lilenfeld teaches a handheld stylus comprising: a plurality of elements(e.g. 240 or 210) connected together by hinges or joints(e.g. 242) to form part of an accordion-style extendable instrument; and an additional element, connected to the part of the accordion-style extendable instrument by at least one additional hinge or joint(e.g. 242), wherein the additional element has or supports a stylus tip(205) for contacting the touch-sensitive screen(see figures 2B, 3, 6a, 7b; claim 5; column 1, lines 22-29; column 2, lines 49-64; column 4, lines 55-68; column 5, lines 1-12 and lines 58-68; and column 6, lines 1-16).

Lilenfeld fails to disclose the extendable instrument has a pivoting scissors-type construction.

Eichstaedt the extendable instrument has a pivoting scissors-type construction(see figures 1-2 and abstract). It would have been obvious to have modified Lilenfeld with the teaching of Eichstaedt, since Lilenfeld has disclosed the shape of the extendable instrument would be changed as needed as a user(see figures 3, 5a-7b, 9, 10b).

As to claim 2, Lilenfeld as modified teach the stylus tip(205) is at a distal end of the additional element, and is extendable away from the plurality of elements(see figures 3, 6a, 7b and Eichstaedt's figure 1).

As to claim 4, Lilenfeld as modified teach the plurality of elements mostly have substantially equal length(see Lilenfeld's figures 3, 6a, 7b and Eishstaedt's figure 1 )

As to claim 6, Lilenfeld teach a stylus having a spring for automatically extending the stylus(see figures 2a, 3, 6a, 7b and column 4, lines 20-33).

As to claim 8, , Lilenfeld teach a touch-screen activation unit(pen-based computer or a tablet personal computer)(see column 1, lines 21-28 and column 2, lines 50-53).

As to claim 10, Lilenfeld having an extended configuration that is sufficiently flat so that the extended configuration has a depth less than one quarter of a standard number two pencil's depth(see figures 2B, 3, 6a, 7b).

As to claim 11, Lilenfeld as modified teaches a mobile terminal comprising: a touch-sensitive screen; a stylus having an accordion style; and an enclosure configured to store the stylus in a folded configuration(see Lilenfeld's figures 6a-7a, 10a, 10b and Eichstaedt's figure 1).

As to claim 13, Lilenfeld teach a stylus comprises a mobile terminal activation unit(PDA)(see figure 2B and column 2, lines 49-53).

As to claims 15 and 18, Lilenfeld as modified teach an extendable accordion-stylus comprising: a plurality of elements; a plurality of hinges or joints(e.g. 242) connecting the plurality of elements; and a tip for contacting at least one part of a mobile terminal(PDA)(see figures 2B, 6a-7b, 10a, 10b; column 2, lines 49-63; column 4, lines 55-68 and column 5, lines 1-11 and lines 58-68; column 6, lines 1-16 and Eichstaedt's figure 1).

As to claim 15, Eichstaedt teaches an extendable stylus comprising: a plurality of elements; the plurality of elements comprises at least two sets of elements, the elements of each set being substantially mutually parallel to each other, in both an extended configuration of the stylus and a storage configuration of the stylus, and wherein the stylus has a pivoting scissors-type construction(see figures 1-3 and abstract).

As to claim 18, Eichstaedt teaches an extendable stylus comprising: a plurality of elements; means for connecting the plurality of elements(e.g, 20, 44); and means for contacting at least one part of a mobile terminal, wherein the plurality of elements(44, 20) comprises at least two sets of elements, the elements of each set being substantially mutually parallel to each other, in both an extended configuration of the stylus and a storage configuration of the stylus, and wherein the stylus has a pivoting scissors-type construction(see figures 1-3 and abstract).

As to claim 22, Lilenfeld as modified teach the least one additional hinge or

Art Unit: 2629

joint having at least a hinge and a joint(see Lilenfeld's figures 3, 6a) or at least two hinges or at least two joints(see Eichstaeddt's figure 1).

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lilenfeld in view of Eichstaedt and Kable(4,695,680).

As to claim 3, Lilenfeld as modified fail to disclose a stylus having a point that is blunt to contact the touch-sensitive screen without scratching.

Kable teaches a stylus a stylus having a point cover by a plastic material to avoid scratching the touch-sensitive screen(see column 3, lines 3-21). It would have been obvious to have modified Lilenfeld as modified with the teaching of Kable, so as to protect the touch screen from the scratching.

4. Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lilenfeld in view of Eichstaedt and Russell et al(6,703,570).

As to claims 9 and 14, Lilenfeld as modified a stylus having an activation key.

Russell et al teach an activation key(38)(see figures 1-2 and column 5, lines 9-31). It would have been obvious to have modified Lilenfeld as modified with the teaching of Russell et al, so a stylus can be activate by a user by pressing a key on a stylus.

5. Claims 12 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lilenfeld in view of Eichstaedt and Daly(4,927,986).

Lilenfeld as modified to disclose a tether connected to an enclosure for tethering the stylus to a mobile terminal.

Daly teaches a tether(18) connected to an enclosure(10 or 22) for tethering the stylus(12) to a mobile terminal(see figures 1-3 and column 3, lines 3-26). It would have been obvious to have modified Lilenfeld as modified with the teaching of Daly, the stylus could not be easy to get lose.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lilenfeld in view of Eichstaedt and Liu et al(6,914,596).

Lilenfeld as modified fails to disclose a button for activating the spring.

Liu et al teach a button(211) for activating the spring(220)(see figures 2B-2C and column 3, lines 8-21). It would have been obvious to have modified Lilenfeld as modified with the teaching of Liu et al, so a user could be more easy to control the spring.

7. Claims 5 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eichstaedt in view of Christ, Jr.(6,532,147).

Lilenfeld as modified fails to disclose the plurality of elements have respective lengths so that the stylus in a folded storage configuration has a circular perimeter.

Christ, Jr. teaches disclose the plurality of elements(40, 44, 46, 54, 60, 62) have respective lengths so the plurality of elements(40, 44, 46, 54, 60, 62) a folded storage configuration has a rectangular perimeter(see figures 2-3a, 6 and column 4, lines 13-41). It would have been obvious to have a plurality of elements(40, 44, 46, 54, 60, 62) a folded storage configuration has a circular perimeter since such a modification would have involved a mere change in the length of the plurality elements. A change in length

Art Unit: 2629

is generally recognized as being within the level of ordinary skill in the art and it would only depend on the shape of a designer wants.

It would have been obvious to have modified Eichstaeddt with the teaching of Crist, Jr., so as to reduce the space for storing a stylus.

### ***Response to Arguments***

8. Applicant's arguments filed April 16, 2007 have been fully considered but they are not persuasive.

Applicant argue that Eichstaedt does not teach a handheld scissors-type extendable instrument on page 7. However, Lilenfeld teaches a handheld extendable instrument(see figures 3, 5b, 6a, 7b) and Eischstaedt teaches a scissor-type extendable element(see figure 1 and claim 1) . Therefore, the combination of Lilenfeld and Eischstaedt teaches a handheld extendable instrument as cited in claims 1, 11, 15 and 18. Further, the court stated "the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1739, 82 USPQ2d 1385, 1395 (U.S. 2007).

Applicants argue that Lilenfeld does not teach an enclosure configured to store the stylus in a folded position on page 8. The examiner disagrees with that since Lilendeld teaches an enclosure configured to store the stylus in a folded position(see figure 7a; column 3, lines 31-34 and column 6, lines 2-10).



Art Unit: 2629

Applicants argue that Lienfeld does not teach at lest on additional hinge or joint on page 8. The examiner disagrees with that since Lienfeld teaches lest on additional hinge or joint(see figure 3).

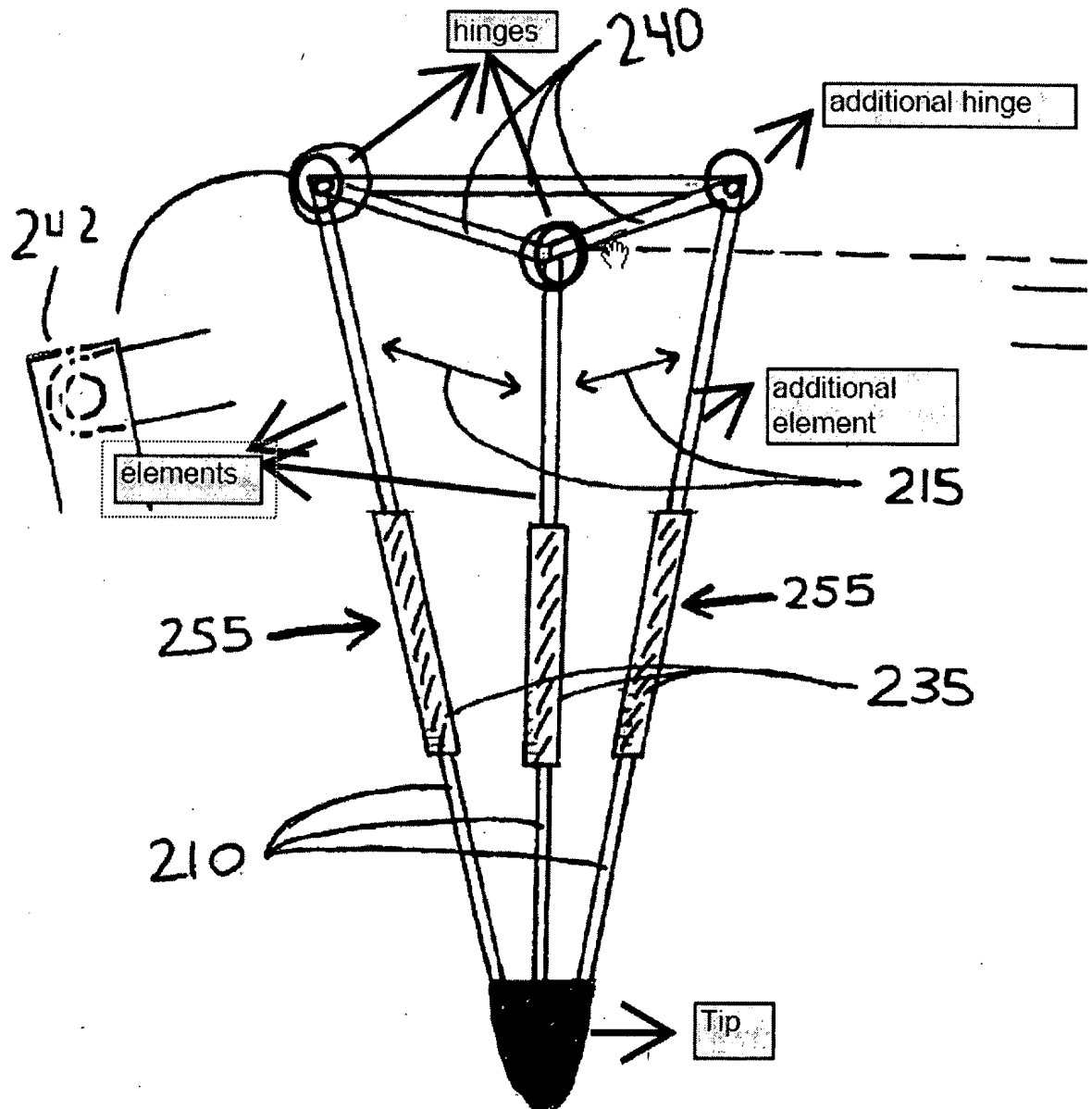


Fig. 3



***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

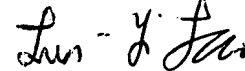
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lun-yi Lao whose telephone number is 571-272-7671. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 4, 2007

A handwritten signature in black ink, appearing to read "Lun-yi Lao".

Lun-yi Lao

**Primary Examiner**